

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**SAMUEL TROICE,
MARTHA DIAZ,
PAULA GILLY-FLORES,
PUNGA PUNGA FINANCIAL, LTD.,
MANUEL CANABAL,
DANIEL GOMEZ FERREIRO, and
PROMOTORA VILLA MARINO, C.A.
individually and on behalf of a class
of all others similarly situated**

VS.

**WILLIS OF COLORADO INC.,
WILLIS LTD.;
WILLIS GROUP HOLDINGS LTD.,
AMY S. BARANOUCKY,
ROBERT S. WINTER, and
BOWEN, MICLETTE & BRITT, INC.**

Defendants.

CIVIL ACTION NO. 3:09-CV-01274-N-BG

**PLAINTIFFS' OPPOSED MOTION FOR CLASS CERTIFICATION, FOR
DESIGNATION OF CLASS REPRESENTATIVES AND CLASS COUNSEL**

NOW COME Plaintiffs, Samuel Troice, Martha Diaz, Paula Gilly-Flores, Punga Punga Financial, Ltd., Manuel Canabal, Daniel Gomez Ferreiro and Promotora Villa Marino, C.A., individually and on behalf of a class of all others similarly situated, (collectively hereinafter "Plaintiffs") and file this Plaintiffs' Motion for Class Certification, for Designation of Class Representatives and Class Counsel, and in support thereof, would show the Court the following:

CERTIFICATE OF CONFERENCE

Counsel for Plaintiffs has conferred with counsel for Defendants and said counsel have indicated that Defendants oppose this Motion.

MOTION FOR CLASS CERTIFICATION

Plaintiffs respectfully move to certify a class of Stanford investors defined below pursuant to Rule 23(a) and (b)(3) of the Federal Rules of Civil Procedure. The numbers of affected investors are so numerous that joinder of all members is impracticable. There are common questions of law and fact that are common to the class and these common questions predominate over individual issues. The Named Plaintiffs' claims are typical of the class claims. The Named Plaintiffs have no interest adverse to the interests of other members of the Class. The Named Plaintiffs will fairly and adequately protect the class' interests. The Named Plaintiffs have retained counsel experienced and competent in the prosecution of class action and complex international securities litigation.

A. Evidence In Support of Motion

This Motion is supported by the evidence included in the Appendix to the Brief in Support which is incorporated by reference.

B. Proposed Class

Plaintiffs move to certify the following class:

- i. All persons or entities that purchased and still held CD or other depository accounts with SIB (excluding purchasers of shares in SGC's SAS mutual fund program) as of February, 2009 and whose claims are recognized and authorized by the Receiver in the SEC Action¹; and
- ii. Such other classes or sub-classes as the Court may determine.

Excluded from the class are:

- i. Defendants, and their employees and agents; and

¹ Civil Action No. 309-CV-0298, *Securities & Exchange Commission v. Stanford International Bank, Ltd., Stanford Group Company, Stanford Capital Management LLC, et al.*, in the United States District Court for the Northern District of Texas, Dallas Division.

- ii. Any officer, director, employee, or promoter of Stanford Financial, including SIB, SGC, Stanford Mexico and Stanford Venezuela as those entities have been defined in the Third Amended Complaint

The court should certify the class pursuant to FRCP 23(b)(3) because questions of law or fact common to the members of the class predominate over any questions affecting only the individual members, and a class action is superior to the other available methods for the fair and efficient adjudication of the controversy. Indeed, this is a case of “fraud created the market” and fraud on the regulators because Stanford’s fraud could not have existed or flourished were it not for the fraud Stanford committed on regulators around the world and the fraud Stanford committed by misleading investors into believing that their investments in SIB were insured. The Class Plaintiffs and the Class relied on the integrity of the market in deciding to invest in the SIB CDs. Many of the investors who are class members have amounts invested which are too small to justify the cost and expense of individual litigation and can only be assisted by a class action mechanism.

C. Alternative Classes or Subclasses

In the alternative, Plaintiffs, on their own behalf and on behalf of a class of all those similarly situated, request that the Court certify a class composed of all Latin American citizens and legal residents, or entities owned or controlled by Latin American citizens or legal residents, that had purchased and still held CDs or other depository accounts with SIB as of February, 2009 and whose claims are recognized and authorized by the Receiver in the SEC Action, and such other classes or sub-classes as the Court may determine, but excluding Defendants, and their employees and agents; and any officer, director, employee, or promoter of Stanford Financial, including SIB, SGC and Stanford Mexico or Venezuela, as those entities have been defined in the Third Amended Complaint.

In the further alternative, Plaintiffs SAMUEL TROICE, MARTHA DIAZ, PAULA GILLY-FLORES and PUNGA PUNGA FINANCIAL, LTD, on their own behalf and on behalf of a class of all those similarly situated, request that the Court certify a class composed of all Mexican citizens and legal residents, or entities owned or controlled by Mexican citizens or legal residents, that had purchased and still held CDs or other depository accounts with SIB as of February, 2009 and whose claims are recognized and authorized by the Receiver in the SEC Action, and such other classes or sub-classes as the Court may determine, but excluding Defendants, and their employees and agents; and any officer, director, employee, or promoter of Stanford Financial, including SIB, SGC and Stanford Mexico, as those entities have been defined in the Third Amended Complaint.

In the further alternative, Plaintiffs MANUEL CANABAL, DANIEL GOMEZ FERREIRO and PROMOTORA VILLA MARINO, C.A., on their own behalf and on behalf of a class of all those similarly situated, request that the Court certify a class composed of all Venezuelan citizens and legal residents, or entities owned or controlled by Venezuelan citizens or legal residents, that had purchased and still held CDs or other depository accounts with SIB as of February, 2009 and whose claims are recognized and authorized by the Receiver in the SEC Action, and such other classes or sub-classes as the Court may determine, but excluding Defendants, and their employees and agents; and any officer, director, employee, or promoter of Stanford Financial, including SIB, SGC and Stanford Venezuela, as those entities have been defined in the Third Amended Complaint.

PRAYER

THEREFORE, it is respectfully requested that:

- A. A class be certified as requested in this motion;
- B. Plaintiffs be appointed class representatives;
- C. Plaintiffs' counsel be appointed attorneys for the class;

D. For such other relief to which Plaintiffs and the Class may be entitled.

Dated: April 20, 2015
Respectfully submitted,

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CERTIFICATE OF SERVICE

On April 20, 2015, I electronically submitted the foregoing document with the clerk of the court of the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

By: /s Edward C. Snyder
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